



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/541,990

07/11/2005

Handoko Kohar

NL 030012

7994

24737 7590 07/02/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KEATON, SHERROD L

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/541,990 | Applicant(s) KOHAR ET AL. | |
| | Examiner sherrod keaton | Art Unit 2109 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10-10-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the original filing of July 11, 2005. Claims 1-10 are pending and have been considered below:

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 6, 8-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 8-10 of copending Application No. 10/542140. Although the conflicting claims are not identical, they are not patentably distinct from each other because the former claims are anticipated by the latter claims.

Claims 1, 2, 6, 8-10 of Application 10/542140 contains every element of claims 1, 2, 6, 8-10 of the instant application 10/541990 and thus anticipate the claims of the instant application. Claims of the instant application therefore are not patently distinct from earlier patent claims and such are unpatentable over obvious-type double patenting. A later application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding Claim 8, it is rejected based on the theory that the claim is directed to neither a process nor a machine, but rather embraces or overlaps two different statutory classes of invention.

Regarding Claim 9, it is rejected because it claims a software product and therefore does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2109

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding dependant claim 8, it is rejected because the claim describes a device comprising a method from an independent claim. It is unclear whether applicant intended the claim to be independent or dependant since it follows an independent claim format.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5, 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kandogan et al (Elastic Windows) in view of de Judicibus et al (5874962).

Claim 1: Kandogan discloses a method of rearranging non-overlapping views (A, B, C,...) on a computer screen (3), the method comprising the steps of:

the computer receiving a rearrangement request from a user (Page 34, Column 11, Paragraph 4),

the computer displaying the alternative arrangement on the screen (Page 34, Column 11, Paragraph 4),

However Kandogan does not explicitly disclose that the computer is determining an alternative arrangement of the views in response to the rearrangement request. De Judicibus discloses a system and method for arranging windows displayed by a graphical user interface and further discloses criteria based arrangement (Column 3, Line 50-Column 4, Line 32). Therefor it would have been obvious to one having ordinary skill in the art at the time of the invention to computer based arrangement in Kandogan as taught by Judicibus. One would have been motivated to perform the arrangement in order to allow computer system to define a balance to the multiple window views.

Claim 2: Kandogan and Judicibus disclose a method as in claim 1 above and further disclose, wherein the views retain their original dimensions (Page 34, Column 11, Paragraph 4).

Claim 5: Kandogan and Judicibus disclose a method as in claim 1 above, and further disclose wherein the step of receiving a rearrangement request is carried out by the user activating a software button on the screen (Page 34, Column 11, Paragraph 4).

Claim 6: Kandogan and Judicibus disclose a method as in claim 1 above, wherein all possible alternative rearrangements of the views are determined as the first rearrangement request is received, these alternative rearrangements being stored and successively displayed whenever a rearrangement request is received (Page 34, Column 12, Paragraph 2).

Claim 8: Kandogan and Judicibus disclose a method as in claim 1 above, and further disclose that the device preferably is a desktop computer, a laptop computer, a palmtop computer, a PDA or an electronic organizer (Page 36, Column 16, Paragraph 2). (Explains applications for window operations performed on devices that are claimed)

Claim 9: Kandogan and Judicibus disclose a method as in claim 1 above, and further disclose a software product for carrying out the method (It is inherent to have a software product in order to for the window/menu to be displayed on the device).

Claim 10: Kandogan and Judicibus disclose a record carrier, such as a CD-ROM, provided with a software product as claimed in 9. (It is inherent that some form of record carrier or memory component be in place in order to retain the software to perform the method.)

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kandogan et al (Elastic Windows) and Judicibus et al (5874962) as applied to Claim 1 above, and in further view of Zenith (7036083 B1).

Claim 3: Kandogan and Judicibus disclose a method as claim in 1 above, but do not explicitly disclose that in an alternative view, the positions of two views have been swapped relative to the original view. However Zenith discloses a multimode interactive television chat and further discloses switching positions of the modes (Column 6, Lines 15-59). Therefore it would have been obvious to one having ordinary skill in the art at

Art Unit: 2109

the time of the invention to allow the views to switch in the modified Kandogan as taught by Zenith. One would have been motivated to switch focus because it improves the efficiency of the program by allowing the current screen being used to occupy the majority of the screen.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kandogan et al (Elastic Windows) and Judicibus et al (5874962) as applied to Claim 1 above, and in further view of Ellison-Taylor (5796402).

Claim 4: Kandogan and Judicibus disclose a method as claim in 1 above, but do not explicitly disclose wherein at least one view may be excluded from rearranging. However Ellison-Taylor discloses a method for aligning windows on a computer screen and further disclose an ignore command that excludes window from adjustment (Column 4, Lines 10-13). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to have an ignore function in the modified Kandogan as taught by Ellison-Taylor. One would have been motivated to have an ignore button to allow the user to keep certain windows from being adjusted that were already set to an ideal viewing arrangement.

Art Unit: 2109

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kandogan et al (Elastic Windows) and Judicibus et al (5874962) as applied to Claim 1 above, and in further view of Southgate (5561757).

Claim 7: Kandogan and Judicibus disclose a method as claim in 1 above, but do not explicitly disclose wherein, when all possible alternative arrangements have been displayed, the original arrangement is displayed again, preferably a message being displayed stating that all possible arrangements have been displayed. However Southgate discloses a computer interface having tiled and overlapped window areas and further discloses a status window for displaying information to user (Column 6, Lines 4-14). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to include a status window to inform user of end of displayed arrangements in the modified Kandogan as taught by Southgate. One would have been motivated to have the status window because it is a simple way to inform a user with help options and also error alerts.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE KINCAID can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

6-12-07

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100